

No. 9(1)81-6Lab./4990—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Raj Hans Handloom Industries, 948/11, Panipat.

**BEFORE SHRI BANWARI LAL DALAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK.**

Reference No. 118 of 1978

between

**SHRI MEHI PAL, WORKMAN AND THE MANAGEMENT OF M/S RAJ HANS
HANDLOOM INDUSTRIES, 948/11, PANIPAT**

Present.—

No one, for the workman.

Shri Surinder Kaushal, for the management.

AWARD

This reference has been referred to this court by the Hon'ble Governor,—*vide* his order No. ID/KNL/29-78/29478, dated 26th June, 1978 under section 10(i) (c) of the Industrial Disputes Act for adjudication of the dispute existing between Mehi Pal, workman and the management of M/s Raj Hans Handloom Industries, Panipat. The term of the reference was—

“Whether the termination of services of Shri Mehi Pal was justified and in order ? If not to what relief is he entitled ?”

On the receipt of the order of reference notices as usual were sent to the parties. The parties appeared in response to the notices filed their respective pleadings and the only issue ‘As per the term of reference’ was framed on the basis of the same.

The management examined Shri Chander Bhan, Weaver respondent and Shri Des Raj, Partner as their witnesses and the case of the management was then closed and the workman was asked to adduce his evidence. The workman failed to adduce his evidence. Several opportunities were given to the workman. On 6th August, 1980 the workman representative stated at the bar that the workman was not turning up despite his repeated intimations to him. The case of the workman was closed in view of the statement of the workman representative. Arguments were heard. I decide the issue as under.

The management has pleaded in their written statement that the workman worked only for three days with them from 3rd January, 1978 to 5th January, 1978 on trial basis against leave vacancy and he was paid Rs. 35.75 Paise. On joining duty by the employee against whom the workman was working his services stood terminated automatically. The management has relied on Ex. MW-2/C a letter sent to the Labour Commissioner with reference to failure report of the Conciliation Officer which also depicts the above version of the management. The management witnesses examined before me also stated the same facts and corroborated each other.

The non-participation of the workman in the proceedings does also go to support my view that the workman worked only for three days with the respondent against a leave vacancy and he is not entitled to raise the present demand leading to this reference and the termination of his services was automatically affected on joining the duty by the workman against whom he was employed. The workman is not entitled to any relief. The reference is answered and returned accordingly.

Dated 14th December, 1981.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

Endorsement No. 4328, dated 17th December, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

BANWARI LAL DALAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.